

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

UNITED STATES OF AMERICA, ) Case No. CV 15-3667-MWF(Ex)  
Plaintiff, ) CONSENT JUDGMENT OF FORFEITURE  
v. ) BETWEEN PLAINTIFF UNITED STATES OF  
\$321,006.35 IN U.S. ) AMERICA, ON THE ONE HAND AND  
CURRENCY, ) CLAIMANTS KOAN YOU LAY AND KHMER  
Defendant. ) SARMEY JEWELRY STORE, ON THE OTHER  
\_\_\_\_\_) HAND WITH RESPECT TO THE FUNDS  
KOAN YOU LAY, ) CLAIMED BY CLAIMANTS KOAN YOU LAY  
INDIVIDUALLY AND ON ) AND KHMER SARMEY JEWELRY STORE IN  
BEHALF OF KHMER SARMEY ) THIS CIVIL FORFEITURE PROCEEDING  
JEWELRY STORE, ET AL., )  
Claimants. )  
\_\_\_\_\_)

On or about August 11, 2015, Plaintiff United States of America ("the government," "the United States of America" or "plaintiff") filed a First Amended Complaint for Forfeiture alleging that the defendant \$321,006.35 in U.S. Currency (the "defendant currency") is subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(A) & (C) and 21 U.S.C. § 881(a)(6). The

1 First Amended Complaint provides that the defendant currency is  
2 comprised of the following:

3 (a) \$100,000.00 seized during a traffic stop on or  
4 about June 26, 2014 of a Honda near Pacific Coast Highway and  
5 10th Street in Long Beach, California being operated by Hong Kim  
6 Nguyen Huynh and registered to Roanna Huynh;

7 (b) \$100,000.00 seized during the execution of a  
8 state search warrant on or about August 26, 2014 at Benson Auto  
9 Body & Paint, Inc., 15032 Jackson Street in Midway City,  
10 California;

11 (c) \$78,478.35 seized during the execution of a state  
12 search warrant on or about August 26, 2014 at King Cargo, 10471  
13 Bolsa Avenue in Westminster, California; and

14 (d) \$42,528.00 seized during the execution of a state  
15 search warrant on or about August 26, 2014 at the Target parking  
16 lot located at 13831 Brookhurst Street in Garden Grove,  
17 California during a traffic stop on a 2003 Toyota pickup truck  
18 registered to and being operated by Hong Kim Nguyen Huynh.

19 On or about October 14, 2015, Son Nguyen, individually and  
20 on behalf of King Cargo filed a claim to \$112,082.35 of the  
21 defendant currency, Hong-Kim Nguyen Huynh, a.k.a. Kim Huynh  
22 filed a claim to \$108,924.00 of the defendant currency and Lam  
23 Huynh, individually and on behalf of Benson Auto Body and Paint,  
24 Inc. filed a claim to \$100,000.00 of the defendant currency. On  
25 or about October 27, 2015, Son Nguyen, individually and on  
26 behalf of King Cargo, Hong-Kim Nguyen Huynh, a.k.a. Kim Huynh  
27 and Lam Huynh, individually and on behalf of Benson Auto Body  
28

1 and Paint, Inc. filed their respective answers to the First  
2 Amended Complaint.

3 On or about September 15, 2015, claimant Koan You Lay filed  
4 a claim to \$20,000.00, alleging that those funds were part of  
5 the defendant currency and claimants Koan You Lay and Khmer  
6 Sarmey Jewelry Store filed a claim to \$15,118.00, alleging that  
7 those funds were part of the defendant currency. The \$20,000.00  
8 claimed by Koan You Lay and the \$15,118.00 claimed by Koan You  
9 Lay and Khmer Sarmey Jewelry Store are hereinafter referred to  
10 as the "Koan You Lay/Khmer Sarmey Jewelry Claimed Funds." On or  
11 about October 6, 2015, claimants Koan You Lay and Khmer Sarmey  
12 Jewelry Store filed their answer to the First Amended Complaint.

13 No other parties have appeared in this case and the time  
14 for filing claims and answers has expired.

15 The government, on the one hand, and claimants Koan You Lay  
16 and Khmer Sarmey Jewelry Store, on the other hand, have now  
17 agreed to settle this action relative to the disputes between  
18 them with respect to the Koan You Lay/Khmer Sarmey Jewelry  
19 Claimed Funds and to avoid further litigation by entering into  
20 this Consent Judgment of Forfeiture.

21 The Court, having been duly advised of and having  
22 considered the matter, and based upon the mutual consent of the  
23 parties hereto,

24 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

25 1. As between the United States of America, on the one  
26 hand, and claimants Koan You Lay and Khmer Sarmey Jewelry Store,  
27 on the other hand, this Court has jurisdiction over the subject  
28 matter of this action and the parties to this Consent Judgment

1 of Forfeiture with respect to the Koan You Lay/Khmer Sarmey  
2 Jewelry Claimed Funds.

3       2. As between the United States of America, on the one  
4 hand, and claimants Koan You Lay and Khmer Sarmey Jewelry Store,  
5 on the other hand, the First Amended Complaint for Forfeiture  
6 states a claim for relief pursuant to 18 U.S.C. §§ 981(a)(1)(A)  
7 & (C) and 21 U.S.C. § 881(a)(6) with respect to the Koan You  
8 Lay/Khmer Sarmey Jewelry Claimed Funds.

9       3. Notice of this action has been given as required by  
10 law. No appearances have been made in the litigation by any  
11 person other than Son Nguyen, individually and on behalf of King  
12 Cargo, Hong-Kim Nguyen Huynh, a.k.a. Kim Huynh, Lam Huynh,  
13 individually and on behalf of Benson Auto Body and Paint, Inc.,  
14 Koan You Lay and Khmer Sarmey Jewelry Store with respect to the  
15 Koan You Lay/Khmer Sarmey Jewelry Claimed Funds. The Court  
16 deems that all other potential claimants admit the allegations  
17 of the First Amended Complaint for Forfeiture to be true with  
18 respect to the Koan You Lay/Khmer Sarmey Jewelry Claimed Funds.

19       4. Koan You Lay, Khmer Sarmey Jewelry Store and each of  
20 their respective interests in the Koan You Lay/Khmer Sarmey  
21 Jewelry Claimed Funds shall be condemned and forfeited to the  
22 United States of America, which shall dispose of Koan You Lay,  
23 Khmer Sarmey Jewelry Store and each of their respective  
24 interests in the Koan You Lay/Khmer Sarmey Jewelry Store Claimed  
25 Funds in accordance with law.

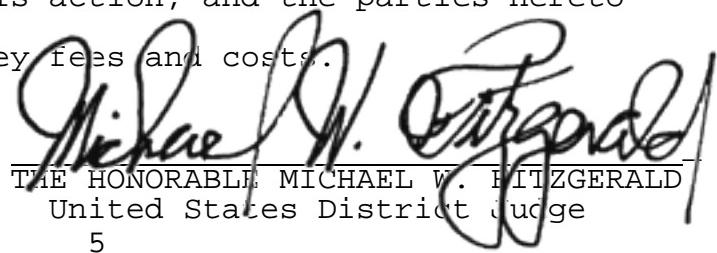
26       5. Claimants Koan You Lay and Khmer Sarmey Jewelry Store,  
27 and each of them, hereby release the United States of America,  
28 its agencies, agents, officers, employees and representatives,

1 including, without limitation, all agents, officers, employees  
2 and representatives of the Drug Enforcement Administration or  
3 the Department of Justice and their respective agencies, as well  
4 as all agents, officers, employees and representatives of any  
5 state or local governmental or law enforcement agency involved  
6 in the investigation or prosecution of this matter, from any and  
7 all claims, actions or liabilities arising out of or related to  
8 this action, including, without limitation, any claim for  
9 attorney fees, costs and interest, which may be asserted by or  
10 on behalf of claimants Koan You Lay and Khmer Sarmey Jewelry  
11 Store, or either of them, whether pursuant to 28 U.S.C. § 2465  
12 or otherwise.

13       6. As between the United States of America, on the one  
14 hand, and claimants Koan You Lay and Khmer Sarmey Jewelry Store,  
15 on the other hand, the Court finds that there was reasonable  
16 cause for the seizure of the Koan You Lay/Khmer Sarmey Jewelry  
17 Store Claimed Funds and institution of these proceedings. This  
18 judgment shall be construed as a certificate of reasonable cause  
19 pursuant to 28 U.S.C. § 2465 as between the United States of  
20 America, on the one hand, and claimants Koan You Lay and Khmer  
21 Sarmey Jewelry Store, on the other hand, with respect to the  
22 Koan You Lay/Khmer Sarmey Jewelry Store Claimed Funds.

23       7. The Court further finds that claimants Koan You Lay  
24 and Khmer Sarmey Jewelry Store, and each of them, did not  
25 substantially prevail in this action, and the parties hereto  
26 shall bear their own attorney fees and costs.

27 DATED: March 22, 2016  
28

  
THE HONORABLE MICHAEL W. FITZGERALD  
United States District Judge

1                           CONSENT

2                           The parties hereto consent to the above Consent Judgment of  
3 Forfeiture and waive any right to appeal this Consent Judgment  
4 of Forfeiture.

5 Dated: March 7, 2016

6                           EILEEN M. DECKER  
7                           United States Attorney  
8                           LAWRENCE S. MIDDLETON  
9                           Assistant United states Attorney  
Chief, Criminal Division  
STEVEN R. WELK  
Assistant United States Attorney  
Chief, Asset Forfeiture Section

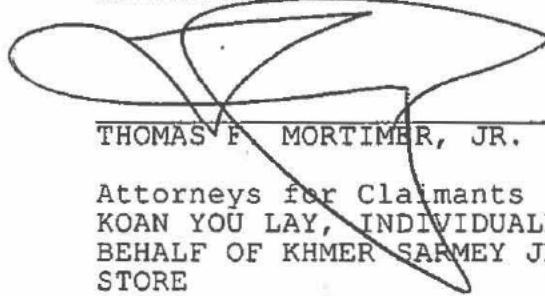


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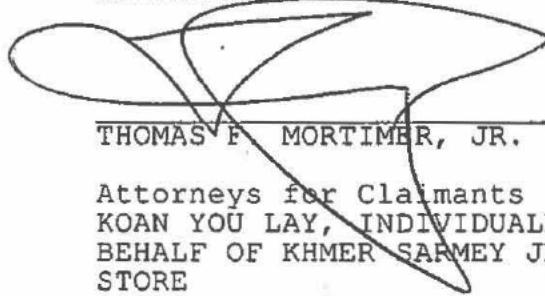
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11                          VICTOR A. RODGERS  
12                          Assistant United States Attorney  
13                          Attorneys for Plaintiff  
14                          UNITED STATES OF AMERICA

DATED: March 8, 2016

15                          MORTIMER LAW FIRM  


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16                          THOMAS F. MORTIMER, JR.  


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17                          Attorneys for Claimants  
18                          KOAN YOU LAY, INDIVIDUALLY, AND ON  
19                          BEHALF OF KHMER SARMEY JEWELRY  
STORE